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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Shen, et al.

CONFIRMATION NO: 2385

APPLICATION NO: 10/505,315

INTERNATIONAL APPLICATION NO: PCT/US03/04735

INTERNATIONAL FILING DATE: 02/20/2003

FOR: Novel Vip3 Toxins and Methods of Use

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Sir:

The Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated March 16, 2005 (a copy of which is enclosed) has a shortened statutory time set to expire on May 16, 2005.

In response, applicants submit herewith an original executed Declaration of the inventors. Please charge Applicants' credit card for the \$130 surcharge fee under 37 CFR §1.16(e). A credit card payment form is enclosed for processing.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 50-1744 in the name of Syngenta Biotechnology Inc.

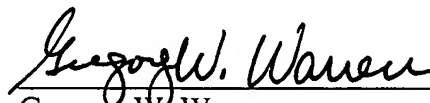
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Syngenta Biotechnology Inc.
Patent Department
P.O. Box 12257
Research Triangle Park, NC 27709-2257

Respectfully submitted,



Gregory W. Warren
Agent for Applicants
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Phone: (919) 541-8646

Date: May 11, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

60163US PCT Rec'd PCT/PTO 16 MAY 2005

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MAY 21 2005

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	PATENT FILING NO.
10/505,315	Zhicheng Shen	60163USPCT (HP, NC)

INTERNATIONAL APPLICATION NO.

PCT/US03/04735

I.A. FILING DATE	PRIORITY DATE
02/20/2003	03/06/2002

22847

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PATENT DEPARTMENT

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CONFIRMATION NO. 2385

371 FORMALITIES LETTER



OC000000015436864

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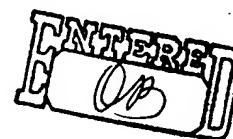
Date Mailed: 03/16/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/19/2004
- Copy of the International Search Report filed on 08/19/2004
- Biochemical Sequence Diskette filed on 08/19/2004
- Oath or Declaration filed on 08/19/2004
- Biochemical Sequence Listing filed on 08/19/2004
- Request for Immediate Examination filed on 08/19/2004
- U.S. Basic National Fees filed on 08/19/2004
- Priority Documents filed on 08/19/2004
- Power of Attorney filed on 08/19/2004

Due: May 16, 2005.



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/505,315	PCT/US03/04735	60163USPCT

FORM PCT/DO/EO/905 (371 Formalities Notice)